

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOROTHEA SCOTT, as Proposed Administrator  
of the Estate of NAOMI LLOYD,  
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:  
Plaintiff,  
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:  
v.  
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:  
UNITED ODD FELLOW AND REBEKAH  
HOME d/b/a REBEKAH REHAB AND  
EXTENDED CARE CENTER, ABC  
CORPORATION, and ABC PARTNERSHIP,  
:  
:  
Defendant.  
:  
:  
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**ORDER OF REMAND**


22 Civ. 7102 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant has removed this case from the Supreme Court of the State of New York, County of the Bronx, Index Number 805924/2022E on the ground that the complaint raises an embedded federal question of complete preemption under the PREP Act. However, this precise contention has recently been rejected by the Second Circuit in *Leroy v. Hume*, 21-2158-cv (2d Cir. Apr. 13, 2023) and *Rivera-Zayas v. Our Lady of Consolation Geriatric Care Center*, 21-2164 (2d Cir. April 13, 2023). Accordingly, this case is hereby remanded to the state court. The Clerk of Court shall inform the Supreme Court of the State of New York, Bronx County, terminate the open motions at ECF Nos. 7, 9, and 10, and close the case.

SO ORDERED.

Dated: May 3, 2023  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge